

SENATE BILL 598

By Hensley

AN ACT to amend Chapter 9 of the Private Acts of 2013; and any other acts amendatory thereto, relative to the charter of the City of Columbia.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 9 of the Private Acts of 2013, and any other acts amendatory thereto, are amended by deleting Article 7 and substituting instead the following:

ARTICLE 7

CIVIL SERVICE BOARD

SECTION 7.01. QUALIFICATIONS AND APPOINTMENT. There shall be a Civil Service Board of the City of Columbia, to consist of five (5) members who shall have been registered electors of the City of Columbia. Upon this Charter taking effect, the members then holding office shall continue in office until the regular expiration of their term of office. Thereafter upon the expiration of each term, the Council shall elect a qualified person to fill the vacancy. All the newly elected members shall serve for terms of four (4) years or until their successors are elected and qualified.

SECTION 7.02. COMPENSATION; EXPENSES. Their compensation shall be as fixed by ordinance by the Council. Provisions shall be made by the Council for necessary expenses of the Board, certified by the Chairman to the proper authorities and the same shall be paid out of the general funds of the City.

SECTION 7.03. VACANCIES. Should there be a vacancy in the Civil Service Board by reason of death, resignation, or removal, the same shall be filled by the election of a qualified person to the vacancy by the Council, to fill out the balance of the unexpired term.

SECTION 7.04. PROHIBITIONS. The members of said Board shall not hold any other public or political office while serving as members of said Board, and in the event

any member of said Board shall accept public or political office or actively become a candidate for an elective office, or cease to be a bona fide elector of the City of Columbia, his membership on said Board shall be and become thereby automatically vacated, and thereupon the Council shall elect a successor. Members of the Board may be removed by the Council for the same reasons and in the same manner as provided for removal of Council members in section 3.07, supra.

SECTION 7.05. GENERAL POWERS AND DUTIES. The Civil Service Board is authorized and empowered to make such rules and regulations as it may from time to time deem necessary for carrying into effect the provisions, objects, and purposes of this Article 7. The purpose of this Board is to keep employees of the City of Columbia covered by Civil Service out of politics, so that their positions cannot be endangered, nor these employees be annoyed or disturbed by the political plans and schemes of anyone; and the Civil Service Board is hereby authorized to make and enforce such rules and regulations, consistent with the provisions of this Act, that protect employees from any duress of any sort. It is hereby made the duty of the City Manager to see that the rules of the Civil Service Board are enforced for the protection of all Civil Service employees.

SECTION 7.06. MEETINGS AND QUORUM. The Civil Service Board shall hold at least one (1) regular meeting each year, and may be convened in extraordinary session upon call of the Chairman, or whenever in the judgment of the majority of said Board it may be deemed necessary and proper. Three (3) members of the Board shall constitute a quorum for the transaction of all business. The members shall each year select one (1) of their number to serve as Chairman of the Board.

SECTION 7.07. CLERK OF THE BOARD; DUTIES. The City Manager or other person designated by the City Manager shall serve as the clerk of the Civil Service Board without additional compensation. The Civil Service Board shall keep or cause to be kept by the Clerk, minutes of its proceedings, and records of its examinations, hearings, and other official action.

SECTION 7.08. CIVIL SERVICE EMPLOYEES NOT TO SOLICIT
CONTRIBUTIONS TO CITY ELECTION CAMPAIGNS.

(1) No Civil Service employee shall be coerced by any official, agent, or employee of the City for any contribution or assessment to any political organizations or member of any committee thereof, nor shall any Civil Service employee give or promise any party any office, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid, or votes of any person or persons. No Civil Service employee shall appear at the polls while on duty or in uniform in any election, wearing a badge indicating support of any candidate, party, or ticket in such election nor hand out or distribute any literature concerning any candidate, party, or ticket involved in such election; nor seek in any other manner to use his official position to influence any voter. Nothing herein contained shall be construed as abridging the Constitutional and political rights of any City employee to express his opinions or to cast his vote.

(2) The City Manager may grant a leave of absence without pay to any Civil Service employee who may desire to become a candidate for any political office.

SECTION 7.09. EMPLOYEE DISCIPLINE; HEARING PROCEDURE.

(1) Other than by judgment of the Board upon specification of charges filed under this Article, the City Manager shall have exclusive power to dismiss, suspend, reduce in rank, or otherwise discipline all employees of the City.

(2) Any Civil Service employee, other than a probationary employee, who is dismissed, suspended, reduced in rank, or otherwise disciplined, within ten (10) days after such action, may request in writing filed with the Clerk of the Board, a hearing before the Civil Service Board. Upon receipt of a request for hearing, the Board shall notify the City Manager who shall cause to be filed with

the Clerk of the Board written specifications of charges. A copy of such specifications shall be furnished to the employee at least ten (10) days prior to such hearing. All specifications of charges, and all amendments thereto, shall plainly and particularly set forth the offense or offenses.

(3) The employee shall have the right to be represented at the hearing by an attorney, shall have the right to confront and examine all witnesses, and may introduce on his own behalf any evidence relevant to the charges specified against him. Upon the completion of the hearing, the Board may sustain, modify, or overrule the action of the City Manager, may order the employee reinstated, with or without back pay, or may order such other disciplinary action as deemed appropriate from the facts and evidence adduced at the hearing.

(4) The judgment and findings of the Civil Service Board upon hearing on specification of charges against any Civil Service employee shall be final and shall be subject to review only for illegality or want of jurisdiction.

SECTION 7.10. CIVIL SERVICE EMPLOYMENT STATUS. All full-time employees of the city, other than the City Manager, the Assistant City Manager, and all department heads, are hereby declared to be civil service employees, subject to all the conditions, limitations, and requirements of this Article 7 and entitled to the benefits thereof.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Columbia. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.